

Introduced by Senator Battin

February 24, 2006

An act to add Section 346.5 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1602, as introduced, Battin. Scalping of tickets.

Existing law provides that any person who, without the written permission of the owner or operator of the property on which an entertainment event is to be held or is being held, sells a ticket of admission to the entertainment event, which was obtained for the purpose of resale, at any price which is in excess of the price that is printed or endorsed upon the ticket, while on the grounds of or in the stadium, arena, theater, or other place where an event for which admission tickets are sold is to be held or is being held, is guilty of a misdemeanor.

This bill would provide, in addition, that any person who sells a ticket of admission to a public or entertainment event for a price in excess of the face value of the ticket or price printed on the ticket, plus a specified service charge, is guilty of a misdemeanor; and any event sponsor, promoter, venue, or other entity who enters into a private agreement with any reseller of tickets or ticket broker for the purpose of charging a price in excess of the face value of the ticket or price printed on the ticket, plus a specified service charge, is guilty of a misdemeanor. By creating new crimes, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 346.5 is added to the Penal Code, to
2 read:

3 346.5. (a) Any person who sells a ticket of admission to a
4 public or entertainment event for a price in excess of the face
5 value of the ticket or price printed on the ticket, plus a service
6 charge not to exceed the lesser of three dollars (\$3) or 10 percent
7 of the face value of, or price printed on, the ticket, is guilty of a
8 misdemeanor.

9 (b) Any event sponsor, promoter, venue, or other entity who
10 enters into a private agreement with any reseller of tickets or
11 ticket broker for the purpose of charging a price in excess of the
12 face value of the ticket or price printed on the ticket, plus a
13 service charge not to exceed the lesser of three dollars (\$3) or 10
14 percent of the face value of, or price printed on, the ticket, is
15 guilty of a misdemeanor.

16 (c) Every sale or offer for sale shall be considered to be a
17 separate offense.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the
23 penalty for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition of a
25 crime within the meaning of Section 6 of Article XIII B of the
26 California Constitution.